IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

TUESDAY, THE 26TH JUNE 2007 / 5TH ASHADHA 1929

WP(C).No. 19670 of 2007(N)

PETITIONER:

P.V.ALIAS, AGED 42 YEARS,
S/O VARGHESE, BINDER GRADE-I,
GOVERNMENT PRESS, KAKKANAD, ERNAKULAM,
RESIDING AT IIA 7/77, N.G.O. QUARTERS,
THRIKKAKARA P.O., KOCHI-21.

BY ADV. SRI.B.PREMOD
SMT.RENY ANTONY

RESPONDENTS:

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1. THE DIRECTOR OF PRINTING,
GOVERNMENT CENTRAL PRESS,
THIRUVANANTHAPURAM.

2. STATE OF KERALA, REPRESENTED BY
SECRETARY, DEPARTMENT OF GENERAL ADMINISTRATION,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

3. DEPUTY SUPERINTENDENT,
GOVERNMENT PRESS, KAKKANAD,
ERNAKULAM.

BY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 26/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.BALAKRISHNAN NAIR, J.

W.P.(C) No.19670 of 2007-N

Dated this the 26th day of June, 2007.

J U D G M E N T

The petitioner is a physically handicapped person. He is presently working as Binder Grade-I, at Government Press, Kakkanad, Ernakulam. By Ext.P3, he has been promoted and posted as Senior Grade Binder in Government Press, Mannanthala. It was in the vacancy created by the promotion of Smt. T.K. Nalini, to the post of Assistant Foreman. She has been promoted and posted to Wayanad. Going by Ext.P3, it can be seen that a chain of promotions is effected and the incumbents are accommodated where there are vacancies to the post to which they were promoted. The petitioner claims, retention in Kakkanad, on the ground of his physical disability. He also claims, in similar circumstances, this Court has granted interim order in favour of two others. Ext.P6 is the said interim order. The petitioner also claims protection from transfer, on the ground of relevant orders and circulars issued by the Government which says that physically handicapped persons shall as far as possible be accommodated in their districts. The petitioner is being transferred on the basis of promotion to a place where there is vacancy. Once the petitioner is promoted, he cannot be allowed to continue in the lower post. Another person has been posted in his place.

2. The Government Press is an industrial establishment. Its posts have to be manned by qualified hands. The petitioner has been promoted as Senior Grade Binder. Therefore, he cannot be allowed to work in the post of Binder Grade-I. The norms or guidelines issued by the Government concerning transfer cannot affect the posting made in exigencies of service. In this case, on promotion, the petitioner is moved to a place where there is a vacancy. So, no ground has been made out, warranting interference with the impugned posting given to the petitioner, on his promotion. So, this court cannot interfere with Ext.P3. If the petitioner is aggrieved by the posting given to him, he will be free to move the competent authority seeking redressal of his grievance. In that event, the said authority shall consider and pass orders on the representation filed by the petitioner, as expeditiously as possible, at any rate within one month from the date of production of a copy of this judgment.

Subject to the above right, the Writ Petition is dismissed.

K.BALAKRISHNAN NAIR,
JUDGE.

MS